

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for August 18, 2004 PLANNING COMMISSION MEETING

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application. Additionally, there are portions of the area included in the use permit on either side of West Van Dorn Street, and are called 'North' and 'South' throughout the report for reference.

P.A.S.: Annexation #01008
 Change of Zone #3419
 Use Permit #133

PROPOSAL: To annex approximately five acres of land with a change of zone to B-2 to allow approximately 40,000 square feet of office and commercial floor by use permit.

LOCATION: Northeast, southeast, and southwest of the intersection of West Van Dorn Street and South Coddington Avenue.

WAIVER REQUESTS:

1. The preliminary plat process.
2. Front and side yard setbacks from 50' to 0'.
3. Paving, curb and gutter and sidewalks along South Coddington Avenue and West Van Dorn Street.
4. The requirement that all lots have frontage and access to a public street or private roadway.
5. Minimum lot frontage required for a ground sign.
6. Signs in the front yard.
7. Signs more than 30' from a building.
8. Street trees along South Coddington Avenue and West Van Dorn Street.
9. Landscaping in required yards, malls and open spaces in the B-2 district.
10. Allow parking in the front yard.

LAND AREA: Annexation #01008 - Approximately 5 acres.
 Change of Zone #3419 - Approximately 11.5 acres.
 Use Permit #133 - Approximately 6.7 acres.

CONCLUSION: Several of the waivers are not appropriate, and the site plan can be revised to eliminate the need for them. Subject to the conditions of approval, these requests comply with the Zoning Ordinance and are consistent with the Comprehensive Plan.

RECOMMENDATION:

Annexation #01008	Conditional Approval
Change of Zone #3419	Approval
Use Permit #133	Conditional Approval
Waivers:	
1. The preliminary plat process.	Approval
2. Front and rear yard setbacks from 50' to 25'.	Approval
3. Paving, curb and gutter and sidewalks along South Coddington Avenue and West Van Dorn Street.	Denial
4. The requirement that all lots have frontage and access to a public street or private roadway.	Approval
5. Minimum lot frontage required for a ground sign.	Approval
6. Signs in the front yard.	Denial
7. Signs more than 30' from a building.	Approval
8. Street trees along South Coddington Avenue and West Van Dorn Street.	Denial
9. Landscaping in required yards, malls and open spaces in the B-2 district.	Denial
10. Allow parking in the front yard.	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION:

Annexation #01008 -Property legally described as Lot 36, a portion of Lot 40, and adjacent portions of South Coddington Avenue and West Van Dorn Street, located in the NE 1/4 of Section 4-9-6, Lancaster County, Nebraska, generally located at South Coddington Avenue and West Van Dorn Street. **The metes and bounds description for a portion of Lot 40 is attached.**

Change of Zone #3419 - From AG Agricultural, AGR Agricultural Residential, R-3 Residential and B-1 Local Business to B-2 Planned Neighborhood Business, for property legally described as Lot 147 I.T. and Outlot A, Lee's Place 3rd Addition in the SE 1/4 of Section 33-10-6; Lot 36 and a portion of Lot 40, located in the NE 1/4 of Section 4-9-6; and

Lot 21 I.T., Lot 22 I.T. and Lot 25 I.T., located in the NW 1/4 of Section 4-9-6, Lancaster County, Nebraska, generally located at South Coddington Avenue and West Van Dorn Street. **The metes and bounds description for a portion of Lot 40 is attached.**

Use Permit #133 - Property legally described as Outlot A, Lee's Place 3rd Addition, in the SE 1/4 of Section 33-10-6; and Lot 36 and a portion of Lot 40, both located in the NE 1/4 of Section 4-9-6, Lancaster County, Nebraska, generally located at South Coddington Avenue and West Van Dorn Street. **The metes and bounds description for a portion of Lot 40 is attached.**

EXISTING ZONING: AG Agriculture, AGR Aricultural Residential, R-3 Residential, and B-1 Local Business.

EXISTING LAND USE: The property is undeveloped with the exceptions of restaurants at both the northeast (Lee's) and southwest (ice cream drive-in) corners of the intersection.

SURROUNDING LAND USE AND ZONING:

North:	Residential	R-3
South:	Agriculture	AG
East:	Residential, Agriculture	R-3, AG
West:	Residential	AGR, R-3

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F20 - Community Form - Transition of uses, less intense uses near residential areas.

Page F23 - Land Use Plan - This site is designated for commercial uses in the Land Use Plan.

Page F38 - General Priciples for Commercial Uses - Commercial and industrial districts in Lancaster County shall be located:

*Within the City of Lincoln or incorporated villages.

*Outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning).

*Where urban services and infrastructure are available or planned for in the near term.

in sites supported by adequate road capacity commercial development should be linked to the implementation of the transportation plan.

*In areas compatible with existing or planned residential uses in areas accessible by various modes of transportation (i.e. automobile, transit and pedestrian) so that they enhance entryways or public way corridors, when developing adjacent to these corridors.

*In a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this plan.

Page F53 - Core Resource Imperatives - Wetlands provide distinctive habitat opportunities for various plants and animals, as well as offering flood control and water filtration benefits.

TRAFFIC ANALYSIS: South Coddington Avenue is identified as a principal arterial street. West Van Dorn is identified as a principal arterial street east of the intersection, and as a minor arterial to the west. Where the major arterial designation applies, future improvements include four lanes with center turn lanes; the minor arterial designation will be two lanes with a center lane. These future improvements are impact fee facilities, and this development will be subject to impact fees at the time of building permits. The cost of temporary improvements including turn lanes in both streets will be the responsibility of the developer.

ENVIRONMENTAL CONCERNS: Protection of the wetlands on the south.

AESTHETIC CONSIDERATIONS: While commercial zoning has existed at this corner for many years, the area is considered a newly developing area. There has been significant residential development over the past several years, and it is anticipated that new development will continue to occur. B-2 zoning applied to this intersection will help ensure that future development, as well as the redevelopment of existing commercial properties, is done in a manner and at a scale that is compatible with the neighborhood.

TOPOGRAPHY:

North:	Slopes upward, from south to north.
South:	Increases in elevation from north to south, with wetlands in a depression on the northern portion of the site.

HISTORY: CZ#3253 was submitted by Krueger Development and Stockwell Properties on 4/20/2000 to change the zoning from R-3 to B-2 for the southeast corner of the use permit site. It was placed on pending by the Planning Commission on 4/3/02.

CZ#3247 was submitted by the Planning Department on 2/29/00 and included those areas of CZ#3196 with additional areas zoned AGR and R-3 all to be zoned B-2. It was placed on pending at the at City Council on 3/5/01.

CZ#3196 was submitted by the Planning Department 6/24/99 and proposed changing the areas zoned B-1 and a portion of R-3 on the north side of West Van Dorn to B-2. It was placed on pending at city Council on 3/5/01.

CZ#3195 was submitted by Krueger Development and Stockwell Properties on 6/22/99, and proposed changing the north portion of UP#133 from R-3 to B-2. This application was placed on pending by the Planning Commission on 4/3/02.

BACKGROUND

The existing commercial zoning pattern dates back to at least 1953, and it appears that the commercial zoning (G - Local Business) was originally established with 250' by 250' squares on all four corners of the intersection. However, the 250' by 250' foot area doesn't match either the land use or ownership pattern on any corner. By the 1970's, the northwest corner was changed from commercial to residential and has since been developed residentially. With the 1979 zoning update, the remaining commercial property was converted from G to B-1.

ANALYSIS:

1. As noted in the history, several zone change applications have been initiated for this site. In the staff report for CZ#3196, staff suggested that the zoning needed to be updated to better reflect the ownership pattern in this area, and to provide the appropriate zoning for a developing part of the city. It was also in response to recent actions in the area:
 - Lee's Place subdivision and annexation, which has brought residential uses near the intersection of South Coddington Avenue and West Van Dorn Street.
 - Vestecka's Villa Van Dorn subdivision and annexation which brought residential uses closer to I-1 zoning east of the Burlington Northern railroad tracks, north of West Van Dorn Street.
 - Development of the Bison Trail leading from Wilderness Park to Pioneers Park south of West Van Dorn Street and the purchase of the southeast corner of B-1 zoning by Stockwell Properties LLC from the State of Nebraska.
2. CZ#3247 was requested by Michael Rierden on behalf of the property owner Clarice Loomis. Ms. Loomis owns three small lots on the southwest corner of South Coddington Avenue and West Van Dorn Street where she owns a house, outbuildings, and one commercial business. The three lots are zoned R-3, AGR and B-1. As noted previously, the zoning line was arbitrarily established in 250' by 250' squares decades ago and did not respect existing lot lines or the ownership pattern. Thus each lot has two or three different zoning classifications, and in the case of the southwest corner, the zoning boundary extends through the middle of existing buildings. CZ#3247 expanded the boundary of CZ#3196 to include all parcels owned by Ms. Loomis.

3. The proposed use permit site plan has undergone several revisions over the past few years in response to issues by raised by staff, including wetlands protection, driveway alignment, and connection to the trail system. The most recent change is the addition of a 1.5 acre parcel at the southeast corner of the site. Inclusion of this parcel allows the driveway on the south side of West Van Dorn Street to be aligned with the existing driveway on the north that serves Lee's Restaurant. This parcel is part of a larger tract owned by the City, and must be declared surplus before it can be sold. The Parks and Recreation Department has initiated an application to declare the property surplus tentatively scheduled for the September 15, 2004 Planning Commission agenda.
4. This new request, CZ#3419, was initiated by the Parks and Recreation Department to change the zoning on the 1.5 parcel proposed to be declared as surplus. After review, staff is recommending that the application be revised to include all areas of the four pending change of zone applications so that the zoning can be completed by a single ordinance instead of five. The pending applications must then be withdrawn their respective applicants.
5. The following is a comparison of requirements between the B-1 and B-2 districts:

	B-1	B-2
Use Permit Required	No	Yes
Major Commercial Uses allowed "by right" ^{1,2}	<ul style="list-style-type: none"> -Banks, -Restaurants -Service Stations, -Retail sales, excluding auto sales - Office buildings 	<ul style="list-style-type: none"> -Banks -Restaurants -Service stations -Retail sales, excluding auto sales -Office buildings -On/off premise alcohol sales
Major Commercial "Conditional" Uses ¹	<ul style="list-style-type: none"> -Auto wash -Motels&Hotels -Early childhood care facilities -Contractor sales and showroom 	<ul style="list-style-type: none"> -Auto wash -Motels&Hotels -Early childhood care facilities
Major Special Permitted Uses	<ul style="list-style-type: none"> -Health Care Facilities -On/off premise alcohol sales 	<ul style="list-style-type: none"> -Health Care Facilities

Setbacks: Front Rear Side	20' 30' or 20% of depth 0 (10' if abutting residential)	50' 0 (50' abutting residential) 0 (20' abutting residential)
Setback adjustable by Council?	No	Yes, under use permit
Parking allowed in front yard?	Yes	No
Parking allowed in rear yard?	Yes	Yes
Off Premise Signs (Billboards)	Area: 300 S. F. Height 35'	Not permitted
On Premise Pole Signs	Area: 150 S. F. Height 35'	Area: 100 S. F. Height 25'
¹ See attached chapters of the Zoning Ordinance for a list of all uses. ² All uses in the B-2 district require approval of a Use Permit. Conditional uses are allowed if specific conditions are met at the time of building permit.		

6. B-2 allows generally the same range of uses as B-1, but all development is subject to a use permit and the City is afforded site plan review authority. The B-2 district has greater setbacks, but the City Council has the flexibility to adjust the setbacks depending upon the circumstances. While off-premise signs are allowed in B-1, this site is in a capitol view corridor where such signs are prohibited by the Zoning Ordinance.
7. The B-2 zoning is consistent with the character of the recent development in this neighborhood. This area is no longer remote from the city limits; it includes subdivisions with over 250 dwelling units on the north side of West Van Dorn Street. The B-2 zoning is appropriate in developing areas, and is also the zoning adopted for the shopping center at South Coddington Avenue and West A Street.
8. The change from B-1 to B-2 will not have a significant impact on the existing commercial uses. Both restaurants are permitted uses in the B-2 district, and while they don't meet the requirements of B-2 district they would be grandfathered as pre-existing uses and can continue to exist as they are. If the properties are redeveloped, they would have to meet the B-2 requirements or request setback reductions through the use permit process.
9. The proposed change of zone actually expands the amount of commercial zoning at all three corners, thereby increasing flexibility in site layout at the time of redevelopment.

10. Several waivers have been requested relative to the use permit. Staff recommends the following:
- A. The waiver to the preliminary plat process is appropriate as all necessary information has been submitted with the use permit.
 - B. Front and rear setback reductions - This waiver only affects the north portion, and reduces the front and rear setbacks from 50' to 25'. The reduced perimeter setback is offset by screening/landscaping and limits the land use to office only.
 - C. Improvements to South Coddington Avenue and West Van Dorn - These improvements are impact fee facilities and therefore the City's responsibility to improve, except for sidewalks which are the developer's responsibility. It should be noted in the annexation agreement that the developer will post a surety adequate to install the required sidewalks. Any required temporary street improvements to accommodate the development, such as turning lanes, will also be the developer's responsibility.
 - D. Requirement for street frontage - Lots within commercial developments are allowed to take access to private roadways when approved as part of a use permit. A private roadway is shown on the north. Public Works must approve the utilities in the driveway on the south.

Regarding the next three waivers and the signs in general, the total sign package can be approved as part of the use permit, and the requirements can be modified by City Council where appropriate. Unfortunately, this application does not include a sign package for this development, and it is difficult to evaluate the waiver requests lacking that context. Depending upon the circumstances and the package presented, one or more of these waivers may be appropriate.

- E. Minimum lot frontage for a sign - One on-premise pole or ground sign is allowed per street frontage provided the frontage exceeds 300'. This request only applies to the north portion of the use permit, where the unique shape of the site justifies this waiver.
- F. Signs in the front yard - The one allowed on-premise pole or ground sign per street frontage may be located in the front yard in the B-2. However, there are no unique circumstances regarding this site to support allowing any additional signs in the front yard beyond what is allowed by the Zoning Ordinance.
- G. Signs more than 30' from a building - This requirement exists to prohibit all the allowed signs from being clustered in one location on a site. However, that

is not a concern with the proposed building layout shown and this request is appropriate.

H. Street trees - While there are many trees on site now, most if not all of them will be removed when the streets are improved. At that time, the street trees will become necessary and this requirement should not be waived.

I. Required landscaping in the B2 district - There is adequate area to provide the landscaping on site, which is integral to the B-2 district, and this waiver should not be approved.

J. Parking in the front yard - this affects only the south portion, where it portions of the parking lots are shown on the front along South Coddington Avenue and Southwest 19th Street. Given the width of the right-of-way along South Coddington Avenue (130'), and the parking lot along Southwest 19th Street only encroaches 2', this request is appropriate.

11. The Bison Trail portion of the City's bike trail system extends from West Van Dorn to the Pioneers Park south of this site. The Comprehensive Plan shows a connection to the trail extending north along South Coddington Avenue past this site. The Parks and Recreation Department notes that the site plan must be amended to show an easement for the trail on the east side of South Coddington Avenue.
12. The Airport Zoning Regulations of the Zoning Ordinance were recently amended, and this site falls within Airport Environs District. All prospective purchasers and users must be informed that the land is located within the Airport Environs Noise District, that the land is subject to an aviation and noise easement granted to Lincoln Airport Authority, and that the land is potentially subject to aircraft noise levels high which may affect users of the property and interfere with its unrestricted use.
13. The Public Works and Utilities' review was not complete at the time of printing of this report. Those comments will be forwarded to the applicant when available.

CONDITIONS:

Annexation #01008

1. The owners will enter into an annexation agreement with the City of Lincoln.

Use Permit #3419

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
 - 1.1 Revise the plans to show:
 - 1.1.1 All required street trees including along Southwest 19th Street.
 - 1.1.2 Add a general note that states "ALL REQUIRED LANDSCAPING FOR INDIVIDUAL LOTS WILL BE REVIEWED AT TIME OF BUILDING PERMITS. ALL LANDSCAPING WILL BE PROVIDED IN COMPLIANCE WITH CITY OF LINCOLN DESIGN STANDARDS."
 - 1.1.3 Parking relocated out the front yard.
 - 1.1.4 Show the bike trail along South Coddington Avenue.
 - 1.1.5 Add a general note stating "The grant of an avigation and noise easement to the Lincoln Airport Authority is a condition of approval for this use permit as all or part of the land is located within the Airport Environs Noise District and potentially subjects the land to aircraft noise levels high enough to annoy uses of the property and interfere with its unrestricted use."
 - 1.1.6 Show sidewalks along South Coddington Avenue, West Van Dorn Street, and Southwest 19th Street.
 - 1.1.7 Show the future sidewalk connection to the Bison Trail extended to the south boundary of the use permit.
 - 1.1.8 No signs in the front yard.
 - 1.1.9 All required landscaping per the Design Standards.
 - 1.2 A revised water plan must be submitted and approved by Public Works.
 - 1.3 Provide utility easements per the LES 8/2/04 review.
 - 1.4 Make corrections per the Public Works and Utilities review.
2. The City Council approves associated request:
 - 2.1 Annexation #01008
 - 2.2 Change of Zone #3419

- 2.3 Declaration of Surplus property for a portion of Lot 40.
- 2.3 A modification to the requirements of the land subdivision and zoning ordinance to waive the preliminary plat process, front and rear setbacks from 50' to 25' for that portion north of West Van Dorn Street, frontage to a street or private roadway, minimum frontage for a ground sign, and a sign located more than 30' from a building.

General:

- 3. Final Plats will be approved by the Planning Director after:
 - 3.1 You have completed or posted a surety to guarantee the completion of the private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosion control measures, storm water detention/retention facilities, drainage way improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs.
 - 3.2 The owner signs a subdivision agreement that requires the owner:
 - to complete the street paving of Southwest 19th Street within two (2) years following the approval of this final plat.
 - to complete the installation of sidewalks within four (4) years following the approval of this final plat.
 - to complete the public water distribution system within two (2) years following the approval of this final plat.
 - to complete the public wastewater collection system within two (2) years following the approval of this final plat.
 - to complete the enclosed public drainage facilities within two (2) years following the approval of this final plat.
 - to complete the enclosed private drainage facilities within two (2) years following the approval of this final plat.
 - to complete land preparation including storm water detention/retention facilities and open drainageway improvements prior to the installation of utilities and

improvements but not more than two (2) years following the approval of this final plat.

to complete the installation of public street lights within two (2) years following the approval of this final plat.

to complete the planting of the street trees within four (4) years following the approval of this final plat.

to complete the planting of the landscape screen two (2) years following the approval of this final plat.

to complete the installation of the street name signs within two (2) years following the approval of this final plat.

to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to complete the public and private improvements shown on Use Permit #133.

to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

to continuously and regularly maintain the landscape screens.

to submit to the lot buyers a copy of the soil analysis.

to pay all design, engineering, labor, material, inspection, and other improvement costs except paving, curb and gutter in South Coddington Avenue and West Van Dorn Street.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to protect the trees that are indicated to remain during construction and development.

to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.

to relinquish the right of direct vehicular access from West Van Dorn Street, South Coddington Avenue, and Southwest 19th Street except as shown on Use Permit #133.

to inform all prospective purchasers and users that the land is located within the Airport Environs Noise District, that the land is subject to an aviation and noise easement granted to Lincoln Airport Authority, and that the land is potentially subject to aircraft noise levels high enough which may affect users of the property and interfere with its unrestricted use.

Standard:

4. The following conditions are applicable to all requests:

- 4.1 Before occupying the buildings units all development and construction shall have been completed in compliance with the approved plans.
- 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.

- 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.

Prepared by:

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Planner
August 4, 2004

Annexation #01008

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Change of Zone #3419

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Use Permit #133

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Annexation #01008
Change of Zone #3419
Use Permit #133
West Van Dorn Plaza/Lee's Place

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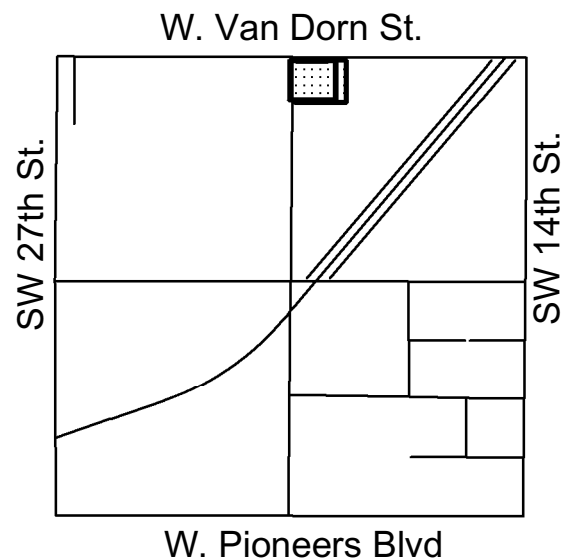
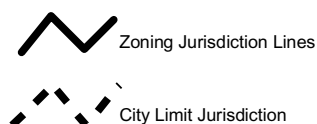


Annexation #01008 W. Van Dorn & Coddington Ave

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 4 T9N R6E





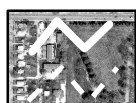
Change of Zone #3419 Coddington & Van Dorn

W 'A' St. 2002 aerial

Zoning:

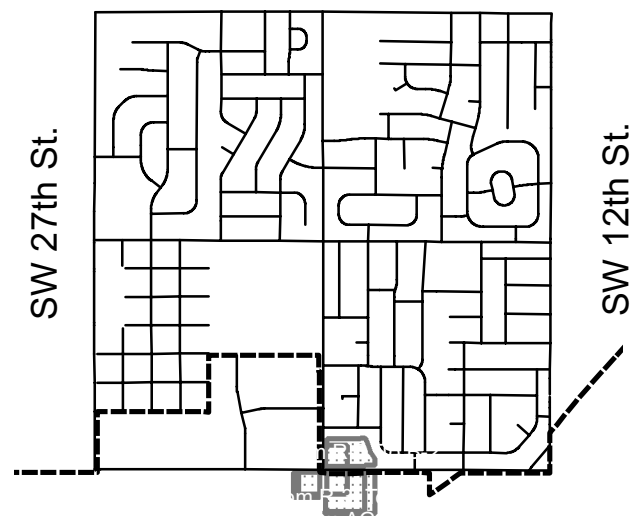
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 33 T10N R6E



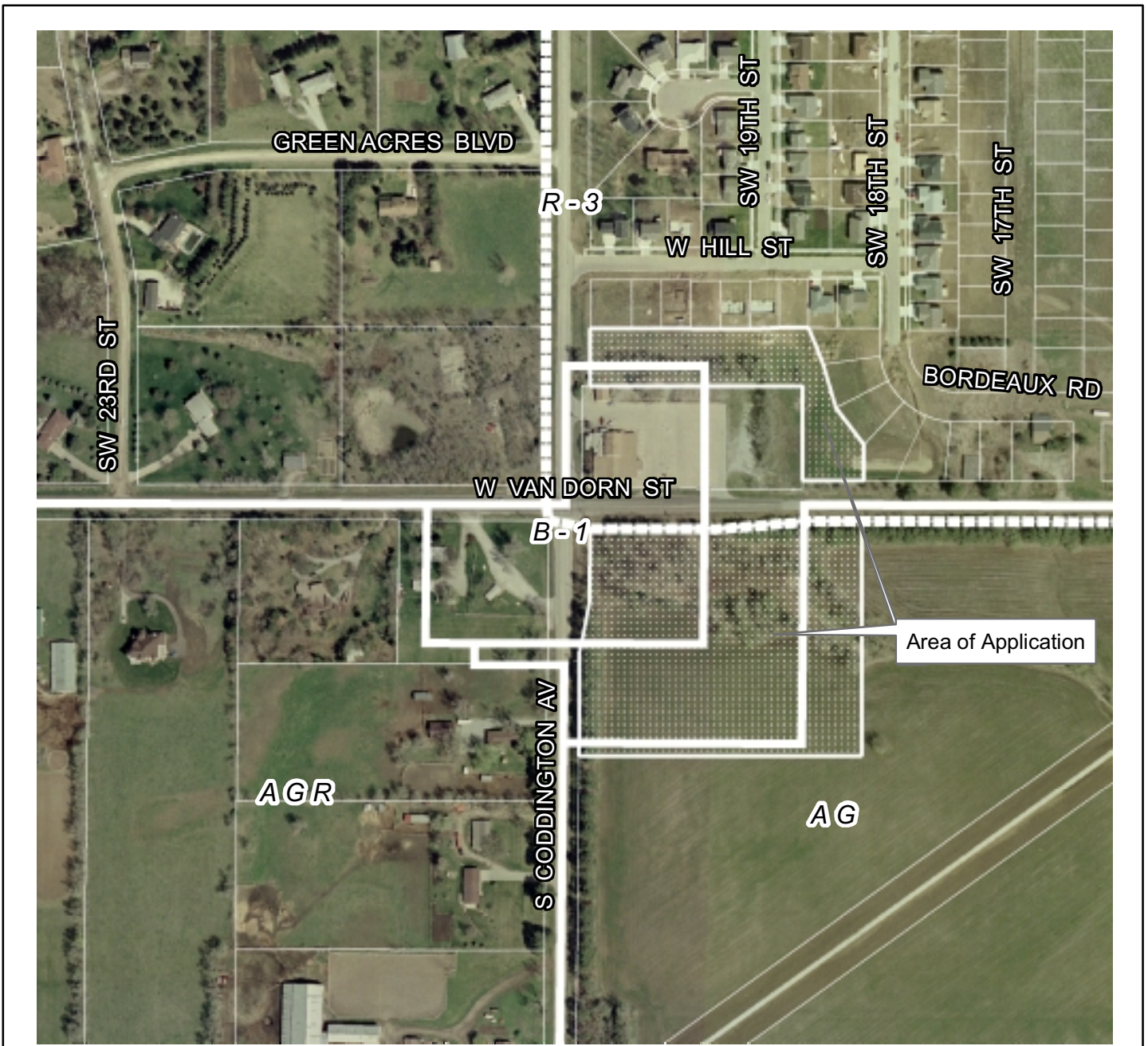
Zoning Jurisdiction Lines

City Limit Jurisdiction



W. Van Dorn St.

Lincoln City - Lancaster County Planning Dept.



2002 aerial

Use Permit #133 Coddington & Van Dorn

Zoning:

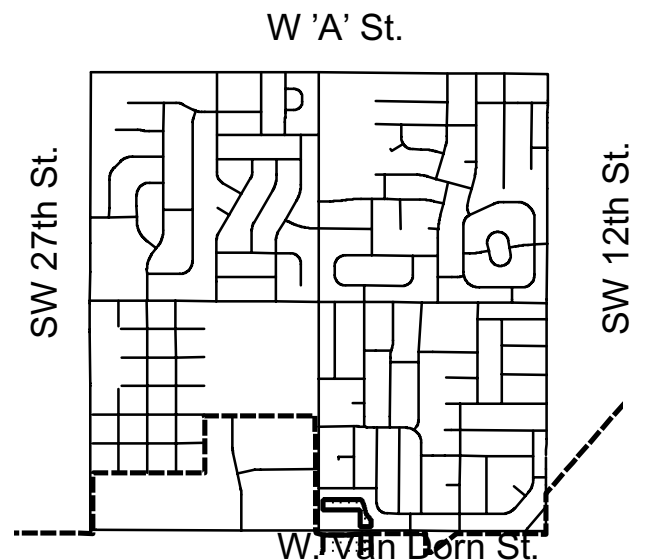
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 33 T10N R6E



Zoning Jurisdiction Lines

City Limit Jurisdiction



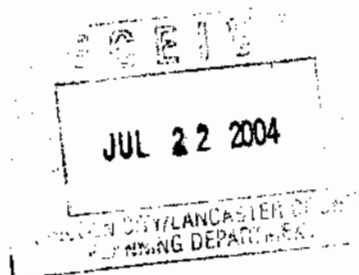
Lincoln City - Lancaster County Planning Dept.

**Design
Associates** of Lincoln, Inc.

Pershing Square
1609 'N' Street
Lincoln, NE 68508
Phone: (402) 474-3000 • Fax: (402) 474-4045

July 21, 2004

Marvin Krout
Lincoln/Lancaster County
Planning Department
555 South 10th Street
Lincoln, Nebraska 68508



RE: Use Permit #133
West Van Dorn Plaza
Coddington and West Van Dorn

Mr. Krout,

Subsequent to re-submittal of revised plans for West Van Dorn Plaza, meetings were held with staff to address issues resultant from plan revisions requested by city staff. We are re-submitting plans once again with additional revisions. A summary of the additional plan revisions follows:

1. The dedication of additional right-of-way along West Van Dorn Street and South Coddington Avenue has been revised to provide 65', as measured from each respective centerline. The additional 15' of right-of-way along Coddington will cause the parking located west of the south building to be located in the required front yard setback. A waiver is requested to allow parking to be located within the front yard setback.
2. The access to West Van Dorn Street has been revised to include dedication of right-of-way and construction of a public street (Southwest 19th Street) that will provide access and frontage for the adjacent city park, as well as the proposed B-2 development. The developer has agreed to construct Southwest 19th Street in exchange for the Parks Department's dedication of right-of-way and transfer of ownership of approximately 10,400 square feet of property located west of Southwest 19th Street to the developer. This transfer of ownership to the developer is necessary to accommodate access needs and front yard setback requirements for the proposed development. A waiver is requested to allow parking to be located within the front yard setback along the west side of Southwest 19th Street.
3. The east/west driving aisle that accesses Coddington Avenue is now proposed as a common access easement/public utility easement rather than a private roadway, as previously shown. A public water main is shown in this 30' wide public utility easement.
4. The plan includes notations reflecting agreements with staff regarding installation of permanent street paving and sidewalks. These improvements will now be installed by the city with financial considerations by the developer being included as part of the required

annexation agreement. A waiver of these improvements is requested. Notations are also shown on the use permit acknowledging the need of annexation prior to extension of city utilities to the site.

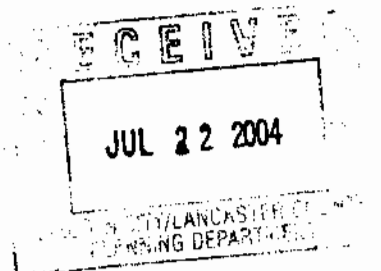
5. The site plan and landscaping plan include revisions.
6. The site and landscape plans are intended to serve as preliminary plat documents. We are requesting a waiver to the preliminary plat process requirements.
7. A waiver of street trees is requested due the large number of existing trees located along the South Coddington and West Van Dorn frontages.
8. A waiver of Design Standards, Chapter 3.5, Section 7.6 is requested to reduce open space areas, mall and around proposed buildings. This wavier is requested due to the large open space and preservation of the existing wetlands located in the northwest portion of the site.
9. The site plan includes lot lines along the limits of building envelopes to allow future sale of pad sites and/or individual buildings. A waiver of internal setbacks is requested to reduce internal setbacks to zero.
10. Signage is proposed along the site's frontage along West Van Dorn, South Coddington and Southwest 19th Street. Signage is proposed in excess of 30' from pad site buildings and within front yard setback areas. Waivers are being requested to allow placement of signs for pad site buildings in excess of 30' from the pad site buildings and within front yard setback areas.

Please advise if additional revisions are required.

Sincerely,



JD. Burt
For the firm

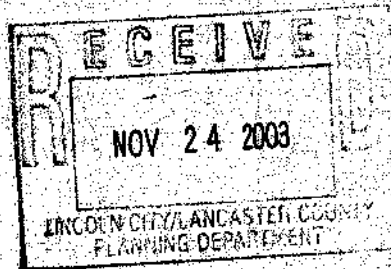




BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

November 24, 2003

Marvin Krout
Director of Planning
City of Lincoln
555 South 10th Street
Lincoln, NE 68508



RE: LEE'S PLACE
USE PERMIT #133

Dear Mr. Krout,

This letter is in response to the corrections requested by the Planning and Public Works Departments from the November 6th meeting.

- 1) The private water service line has been revised since the future water line in West Van Dorn Street is a 30".
- 2) The private sanitary service has remained the same as submitted previously.
- 3) The storm sewer shown at the west end of the project has been revised to show existing grades and storm sewer in the area.
- 4) The requested waivers have been expanded to include the following:
 1. Preliminary Plat procedures.
 2. Rear yard setback from 50.00 feet to 25.00 feet.
 3. Front yard setback from 50.00 feet to 25.00 feet.
 4. Permanent pavement along South Coddington Avenue and West Van Dorn Street.
 5. Internal lot setbacks for Lots 1, 2, 3 & 4.
 6. Requirement that all lots have frontage and access to a public street or private roadway.
 7. Minimum lot frontage requirement to allow a ground sign along West Van Dorn Street.

If you have any questions please give us a call.

Sincerely,

Brian D. Carstens

cc: Rick Krueger

Enclosed: 16 copies of sheets 1 & 2 of 5
6 copies of sheets 3, 4, & 5 of 5

CODDINGTON AND VAN DORN
LEGAL DESCRIPTION

A PORTION OF LOT 40

LOCATED IN THE NORTHEAST QUARTER OF SECTION 4,
TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY,
NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER:
THENCE ON THE WEST LINE OF SAID NORTHEAST QUARTER, ON AN ASSUMED
BEARING OF S 00°00'05" W, A DISTANCE OF 50.00 FEET;
THENCE N 89°33'51" E, A DISTANCE OF 300.00 FEET,
THENCE N 84°42'54" E, A DISTANCE OF 187.30 FEET TO THE POINT OF BEGINNING:

THENCE CONTINUING N 84°42'54" E, A DISTANCE OF 13.81 FEET,
THENCE N 89°33'51" E, A DISTANCE OF 104.66 FEET,
THENCE S 00°26'09" E, A DISTANCE OF 478.49 FEET,
THENCE S 89°33'51" W, A DISTANCE OF 575.56 FEET,
THENCE N 00°00'05" E, A DISTANCE OF 25.00 FEET,
THENCE N 89°33'51" E, A DISTANCE OF 453.51 FEET,
THENCE N 00°00'05" E, A DISTANCE OF 452.34 FEET TO THE POINT OF BEGINNING.
SAID TRACT CONTAINING AN AREA OF 1.581 ACRES, MORE OR LESS.

RECEIVED

JUL 22 2004

RECEIVED

RECEIVED